

103^D CONGRESS
2^D SESSION

S. 2412

To provide for the establishment of the Tallgrass Prairie National Preserve
in Kansas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 19 (legislative day, AUGUST 18), 1994

Mrs. KASSEBAUM (for herself and Mr. DOLE) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To provide for the establishment of the Tallgrass Prairie
National Preserve in Kansas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tallgrass Prairie Na-
5 tional Preserve Act of 1994”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) Of the 400,000 square miles of tallgrass
9 prairie that once covered the North American Con-

1 tinent, less than 1 percent remains, primarily in the
2 Flint Hills of Kansas.

3 (2) In 1991, the National Park Service con-
4 ducted a special resource study of the Spring Hill
5 Ranch, located in the Flint Hills of Kansas.

6 (3) Such study concludes that the Spring Hill
7 Ranch—

8 (A) is a nationally significant example of
9 the once vast tallgrass ecosystem, and includes
10 buildings listed on the National Register of His-
11 toric Places pursuant to section 101 of the Na-
12 tional Historic Preservation Act (16 U.S.C.
13 470a) which represent outstanding examples of
14 Second Empire and other 19th Century archi-
15 tectural styles; and

16 (B) is suitable and feasible as a potential
17 addition to the National Park System.

18 (4) The National Park Trust, which owns the
19 Spring Hill Ranch, has agreed to permit the Na-
20 tional Park Service—

21 (A) to purchase a portion of the ranch, as
22 specified in this Act; and

23 (B) to manage the ranch in order to—

1 (i) conserve the scenery, natural and
2 historic objects, and wildlife of the ranch;
3 and

4 (ii) provide for the enjoyment of the
5 ranch in such manner, and by such means,
6 as will leave such scenery, natural and his-
7 toric objects, and wildlife unimpaired for
8 the enjoyment of future generations.

9 (b) PURPOSES.—The purposes of this Act are as fol-
10 lows:

11 (1) To preserve, protect, and interpret for the
12 public an example of a tallgrass prairie ecosystem on
13 the Spring Hill Ranch, located in the Flint Hills of
14 Kansas.

15 (2) To preserve and interpret for the public the
16 historic and cultural values represented on the
17 Spring Hill Ranch.

18 **SEC. 3. DEFINITIONS.**

19 As used in this Act:

20 (1) ADVISORY COMMITTEE.—The term “Advi-
21 sory Committee” means the Advisory Committee es-
22 tablished under section 7.

23 (2) PRESERVE.—The term “Preserve” means
24 the Tallgrass Prairie National Preserve established
25 under section 4.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (4) TRUST.—The term “Trust” means the Na-
4 tional Park Trust, Inc. (which is a District of Co-
5 lumbia nonprofit corporation), or any successor-in-
6 interest, subsidiary, affiliate, trustee, or legal rep-
7 resentative of the National Park Trust, Inc. that
8 possesses legal or equitable ownership or manage-
9 ment rights with respect to land and improvements
10 on land that constitutes any portion of the Preserve.

11 **SEC. 4. ESTABLISHMENT OF TALLGRASS PRAIRIE NA-**
12 **TIONAL PRESERVE.**

13 (a) IN GENERAL.—In order to provide for the preser-
14 vation, restoration, and interpretation of the Spring Hill
15 Ranch area of the Flint Hills of Kansas, for the benefit
16 and enjoyment of present and future generations, there
17 is hereby established the Tallgrass Prairie National
18 Preserve.

19 (b) DESCRIPTION.—The Preserve shall consist of the
20 lands, waters, and interests therein, including approxi-
21 mately 10,894 acres, generally depicted on the map enti-
22 tled “Boundary Map, Flint Hills Prairie National Monu-
23 ment” numbered NM-TGP 80,000 and dated June 1994,
24 more particularly described in the deed filed at 8:22 a.m.
25 of June 3, 1994, with the Office of the Register of Deeds

1 in Chase County, Kansas, and recorded in Book L-106
2 at pages 328 through 339, inclusive. In the case of any
3 difference between such map and legal description, such
4 legal description shall govern. The map shall be on file
5 and available for public inspection in the appropriate of-
6 fices of the National Park Service of the Department of
7 the Interior.

8 **SEC. 5. ADMINISTRATION OF NATIONAL PRESERVE.**

9 (a) IN GENERAL.—The Secretary shall administer
10 the Preserve in accordance with this Act, the cooperative
11 agreement described in subsection (f)(1), and the provi-
12 sions of law generally applicable to units of the National
13 Park System, including the Act entitled “An Act to estab-
14 lish a National Park Service, and for other purposes”, ap-
15 proved August 25, 1916 (16 U.S.C. 1, 2 through 4) and
16 the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461
17 et seq.).

18 (b) APPLICATION OF REGULATIONS.—The regula-
19 tions issued by the Secretary concerning the National
20 Park Service that provide for the proper use, management,
21 and protection of persons, property, and natural and cul-
22 tural resources shall apply within the boundaries of the
23 Preserve.

1 (c) FACILITIES.—For purposes of carrying out the
2 duties of the Secretary under this Act relating to the Pre-
3 serve, the Secretary may—

4 (1) directly or by contract, construct, recon-
5 struct, rehabilitate, or develop essential buildings,
6 structures, and related facilities including roads,
7 trails, and other interpretive facilities on real prop-
8 erty that is not owned by the Federal Government
9 and is located within the Preserve; and

10 (2) maintain and operate programs in connec-
11 tion with the Preserve with the consent of the land-
12 owners.

13 (d) LIABILITY.—

14 (1) LANDOWNERS.—Notwithstanding any other
15 provision of law, no person who owns any land or in-
16 terest in land within the Preserve shall be liable for
17 injury to, or damages suffered by, any other person
18 if—

19 (A) such injury or damages result from
20 any act or omission of the Secretary or any offi-
21 cer, employee, or agent of the Secretary; or

22 (B) such liability would arise solely by rea-
23 son of the ownership by the defendant of such
24 land or interest in land and such injury or dam-

1 ages are not proximately caused by the wanton
2 or willful misconduct of the defendant.

3 (2) LIABILITY OF UNITED STATES AND OFFI-
4 CERS AND EMPLOYEES OF THE UNITED STATES.—

5 (A) Nothing in this subsection or in any other provi-
6 sion of this Act may be construed to exempt the
7 Federal Government, or any officer or employee of
8 the Federal Government, from any liability for any
9 act or omission for which the Federal Government,
10 or such officer or employee, as the case may be,
11 would otherwise be liable under any applicable provi-
12 sion of law.

13 (B) Nothing in this subsection or in any other
14 provision of this Act may be construed to impose on
15 the Federal Government, or any officer or employee
16 of the Federal Government, any liability for any act
17 or omission of any other person or entity for any act
18 or omission of such other person or entity for which
19 the Federal Government, or such officer or em-
20 ployee, as the case may be, would otherwise not be
21 liable under any applicable provision of law.

22 (e) FEES.—Notwithstanding any other provision of
23 law, the Preserve shall be considered a designated unit of
24 the National Park System, including for the purposes of
25 charging entrance and admission fees under section 4 of

1 the Land and Water Conservation Fund Act of 1965 (16
2 U.S.C. 460l–6a).

3 (f) AGREEMENTS AND DONATIONS.—

4 (1) AGREEMENTS.—The Secretary is authorized
5 to expend Federal funds for the cooperative manage-
6 ment of private property within the Preserve for re-
7 search, resource management, and visitor protection
8 and use. The Secretary may enter into cooperative
9 agreements with public or private agencies, organiza-
10 tions, and institutions to further the purposes of this
11 Act (as specified in section 2(b)).

12 (2) DONATIONS.—Notwithstanding any other
13 provision of law, the Secretary may solicit, accept,
14 retain, and expend donations of funds, property
15 (other than real property), or services from individ-
16 uals, foundations, corporations, or public entities for
17 the purposes of providing programs, services, facili-
18 ties, or technical assistance that further the pur-
19 poses of this Act.

20 (g) GENERAL MANAGEMENT PLAN.—

21 (1) IN GENERAL.—Not later than the termi-
22 nation date of the third full fiscal year beginning
23 after the date of establishment of the Preserve, the
24 Secretary shall prepare and submit to the Commit-
25 tee on Energy and Natural Resources of the Senate

1 and the Committee on Natural Resources of the
2 House of Representatives a general management
3 plan for the Preserve.

4 (2) CONSULTATION.—In preparing the general
5 management plan, the Secretary, acting through the
6 Director of the National Park Service, shall consult
7 with—

8 (A)(i) appropriate officials of the Trust;

9 and

10 (ii) the Advisory Committee established
11 under section 8; and

12 (B) adjacent landowners, appropriate offi-
13 cials of nearby communities, and other inter-
14 ested parties.

15 (3) CONTENT OF PLAN.—The general manage-
16 ment plan shall provide for the following:

17 (A) Maintaining and enhancing the
18 tallgrass prairie ecosystem.

19 (B) Public access and enjoyment of the
20 property that is consistent with protection and
21 management of the historical, cultural, and nat-
22 ural resources of the ranch, lands of adjoining
23 landowners, and surrounding communities.

24 (C) Interpretive and educational programs
25 covering the natural history of the prairie, the

1 cultural history of Native Americans, and the
2 legacy of ranching in the Flint Hills region.

3 (D) Provisions requiring the maintenance
4 of adequate fences to contain domestic and wild
5 animals within the boundaries of the Preserve
6 and provisions requiring that disputes with ad-
7 jacent landowners regarding the maintenance of
8 such fences shall be resolved by the county com-
9 missioners for the county in which the disputed
10 area of fence is located.

11 (E) Provisions requiring the Secretary to
12 comply with applicable State noxious weed, pes-
13 ticide, and animal health laws.

14 (F) Provisions requiring compliance with
15 applicable Federal and State water laws and
16 waste disposal laws (including regulations).

17 (G) Provisions requiring the Secretary to
18 honor each valid existing oil and gas lease for
19 lands within the boundaries of the Preserve (as
20 described in section 4(b)) that is in effect on
21 the date of enactment of this Act.

22 (H) Provisions requiring the Secretary to
23 offer to enter into an agreement with each indi-
24 vidual who, as of the date of enactment of this
25 Act, holds rights for cattle grazing within the

1 boundaries of the Preserve (as described in sec-
2 tion 4(b)).

3 **SEC. 6. LIMITED AUTHORITY TO ACQUIRE.**

4 (a) IN GENERAL.—The Secretary is authorized and
5 directed to acquire, by donation or purchase with donated
6 or appropriated funds, at fair market value—

- 7 (1) not more than 180 acres of real property
8 within the boundaries of the Preserve (as described
9 in section 4(b)) and the improvements thereon; and
10 (2) rights-of-way on roads that are not owned
11 by the State of Kansas within the boundaries of the
12 Preserve.

13 (b) PAYMENTS IN LIEU OF TAXES.—For the pur-
14 poses of payments made pursuant to chapter 69 of title
15 31, United States Code, the real property described in
16 subsection (a)(1) shall be deemed to have been acquired
17 for the purposes specified in section 6904(a) of such title
18 31.

19 (c) PROHIBITIONS.—No property may be acquired
20 under this section without the consent of the owner of the
21 property. The United States may not acquire fee owner-
22 ship of any lands within the Preserve other than lands
23 described in this section.

1 **SEC. 7. ADVISORY COMMITTEE.**

2 (a) ESTABLISHMENT.—There is established an advisory committee to be known as the “Tallgrass Prairie National Preserve Advisory Committee”.

5 (b) DUTIES.—The Advisory Committee shall advise the Secretary and the Director of the National Park Service concerning the development, management, and interpretation of the Preserve. In carrying out such duties, the Advisory Committee shall provide timely advice to the Secretary and the Director during the preparation of the general management plan required by section 5(g).

12 (c) MEMBERSHIP.—The Advisory Committee shall consist of the following 11 members, who shall be appointed by the Secretary as follows:

15 (1) Three members shall be representatives of the Trust.

17 (2) Three members shall be representatives of local landowners, cattle ranchers, or other agricultural interests.

20 (3) Three members shall be representatives of conservation or historic preservation interests.

22 (4) One member shall represent the State of Kansas or a political subdivision of the State.

24 (5) One member shall represent institutions of higher education (as defined in section 1201(a) of

1 the Higher Education Act of 1965 (20 U.S.C.
2 1141(a))) in the State of Kansas.

3 (d) TERMS.—

4 (1) IN GENERAL.—Each member of the Advi-
5 sory Committee shall be appointed to serve for a
6 term of 3 years, except that the initial members
7 shall be appointed as follows:

8 (A) Three members shall be appointed, one
9 each from paragraphs (1), (2), and (3) of sub-
10 section (c), to serve for a term of 3 years.

11 (B) Four members shall be appointed, one
12 each from paragraphs (1), (2), (3), and (4) of
13 subsection (c), to serve for a term of 4 years.

14 (C) Four members shall be appointed, one
15 each from paragraphs (1), (2), (3), and (5) of
16 subsection (c), to serve for a term of 5 years.

17 (2) REAPPOINTMENT.—Each member may be
18 reappointed to serve for a subsequent term.

19 (3) EXPIRATION.—Each member shall continue
20 to serve after the expiration of the term of the mem-
21 ber until a successor is appointed.

22 (4) VACANCIES.—A vacancy on the Advisory
23 Committee shall be filled in the same manner as an
24 original appointment is made. The member ap-

1 pointed to fill the vacancy shall serve until the expi-
2 ration of the term in which the vacancy occurred.

3 (e) CHAIRPERSON.—The Secretary shall appoint one
4 of the members who is a representative from the Trust
5 appointed under subsection (c)(1) to serve as Chairperson.

6 (f) MEETINGS.—Meetings of the Advisory Committee
7 shall be held at the call of the Chairperson or the majority
8 of the Advisory Committee. Meetings shall be held at such
9 locations and in such manner as to ensure adequate oppor-
10 tunity for public involvement. In compliance with the re-
11 quirements of the Federal Advisory Committee Act (5
12 U.S.C. App.), the Advisory Committee shall choose an ap-
13 propriate means of providing interested members of the
14 public advance notice of scheduled meetings.

15 (g) QUORUM.—A majority of the members of the Ad-
16 visory Committee shall constitute a quorum.

17 (h) COMPENSATION.—Each member of the Advisory
18 Committee shall serve without compensation, except that
19 while engaged in official business of the Advisory Commit-
20 tee, the member shall be entitled to travel expenses, in-
21 cluding per diem in lieu of subsistence in the same manner
22 as persons employed intermittently in Government service
23 under section 5703 of title 5, United States Code.

24 (i) CHARTER.—The rechartering provisions of section
25 14(b) of the Federal Advisory Committee Act (5 U.S.C.

1 App.) are hereby waived with respect to the Advisory Com-
2 mittee.

3 **SEC. 8. RESTRICTION ON AUTHORITY.**

4 Nothing in this Act shall give the Secretary authority
5 to regulate lands outside the boundaries of the Preserve.

6 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to the De-
8 partment of the Interior such sums as may be necessary
9 to carry out this Act.

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